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No Counsel - PRO - SE

20th of September 2012

2012 SEP 20 P 12: 54

COURT
DISTRICT OF NEVADA

REPLY

Teller, an individual

Plaintiff.

v.

Gerard Dogge (Gerard Bakardy),
an individual

Defendant.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

CASE N° 2:12-cv-00591-JCM-GWF

**MOTION TO REJECT
EMERGENCY MOTION FOR ANTI-SUIT INJUNCTION**

Honourable Judge James C. Mahan,

Forgive me for approaching the Court in this way, for defending myself in a poor English vocabulary.

I, Gerard Dogge, residing and working in Europe, mainly in Belgium and Spain, I'm not a lawyer, and especially not an American lawyer, who can built up a defence by referring to complicated and previous lawsuits from the past. My motions, declarations, defences etc.. are based on logic, common sense and honesty.

Again I take note of a 'REPLY IN SUPPORT OF EMERGENCY MOTION FOR ANTI-SUIT INJUNCTION' filed by plaintiff. In the plaintiffs reply and request to not respect the Belgian Court, I can NOT find any common sense or honesty.

Again plaintiffs motion is based on lies trying to mislead the US Court by not giving the true facts.

///.

///.

On the contrary from what plaintiff declares (*On page 5, line 25*) the incriminating and embarrassing documents are still downloadable on official websites, published and seen on several forums. - ...

Exhibit 1 shows the number of 'hits' on just one forum. 36.500.000 times in 3 months. The gov.uscourts.nvd.86951 has been downloaded a 16.000 times.

How many more forums there are on the www net, showing the incriminating screenshots, I don't (want to) know. The world news reporters from REUTERS are using the original complaint with the incriminating exhibits.

To respond on the declaration from Mr. Tratos (*On page 3, par 12*) The fact that the incriminating screenshots are no longer downloadable from the Courts E-filing system is subordinate to the fact that the damage is done. The incriminating screenshots are still downloadable on hundreds of other websites. **Exhibit 2.**

The defaming continues and is immense, it has no borders and doesn't recognize jurisdictions. The defaming is worldwide but is the most decisive in Europe, Belgium, Antwerp. The centre of my interests, where I was born and raised. Where I built my career, known as half of the duo "The 2 from Antwerp". There where my family lives, just as most of my friends and fans. It is there that the worldwide defamation is the most critical, in Belgium, Antwerp.

With the deepest respect for the Court and Honourable Judge I apologize to draw the attention to the embarrassing exhibits used by Mr. Teller in his complaint. It is Mr. Teller who filed several screenshots, showing my name and picture right under a toolbar with favourite web links. Four of these web links ('mantube', 'CFSelect', 'Corbin', '2Long') are extremely hardcore homosexual pornographic websites and often suggest the very young age of the 'actors'. These websites contains 'material' TOO embarrassing to show in court. Although, Mr. Teller filed them in the US Court.

It is in the interest of Mr. Teller to face his defamation actions in a Belgium Court, this will cause less embarrassment for him than it will do in Las Vegas.

Mr. Teller already felt embarrassed in the serving of the summons on Sept 6th. 2012.

In the (I hope) last reply and motion from Mr. Teller I can agree on one thing. Yes, indeed, I always have preferred to settle this humiliating case out of the Court and out of the media. **Exhibit 3** shows one of my many attempts.

Exhibit 4 on the other side, shows the unscrupulous dismissive attitude from Mr. Teller. This has forced me to start the Antwerp procedure to stop or limit further defamation, but not to force a settlement.

Mr. Teller is summoned on September 6th 2012 to appear before the Belgium Court in Antwerp on November 14th 2012 to be accountable for his actions.

Just in the same way that I have to respect the US Court that will hold me responsible for my actions. I will, after being served in the legal way, obey to the Court by taking my responsibility, I will defend myself and prove that there was no copyright infringement at all.

It is also not logic to think that I should file a 'counterclaim' since I have not been informed officially by legal service of summons.

Anyone who can place himself in my shoes for a second, imagining that his name and picture is placed under such obscene web links, published 40.000.000 times on the worldwide internet... let's be honest, than it would only be logic to end this defamation as soon as possible in the place where you live and work, the place where the defamation has to stop first. In my case, Belgium - Antwerp.

The defamation damages caused by Mr. Teller are way bigger than the alleged damages in the still undecided copyright litigation about a ridiculous tiny fake rose used in a 'trick' to entertain the family's and kids.

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The court case in Antwerp has the purpose to stop further damages. This can not be said about the copyright lawsuit filed by Mr. Teller. On the contrary, Mr. Teller is using, or abusing the US Court to obtain more ticket sales and to achieve extra profit. As declared by Mr. Teller in a recent interview in the Esquire. See **Exhibit 5.**

Based on the foregoing I, Gerard Dogge, respectfully request the Court to **REJECT** the MULTIPLE MOTIONS FOR ANTI SUIT INJUNCTION.

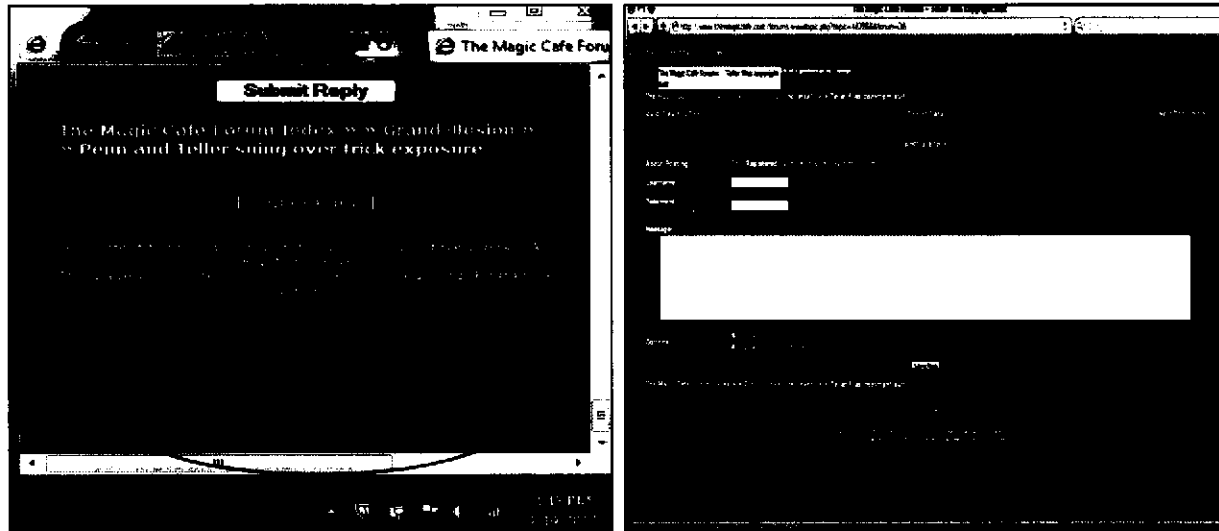
With the deepest respect,


Gerard Dogge
Abtsdreef 10 /1 --- 82940 Stabroek
Belgium - Europe

In attachment a total of 5 exhibits.

EXHIBITS

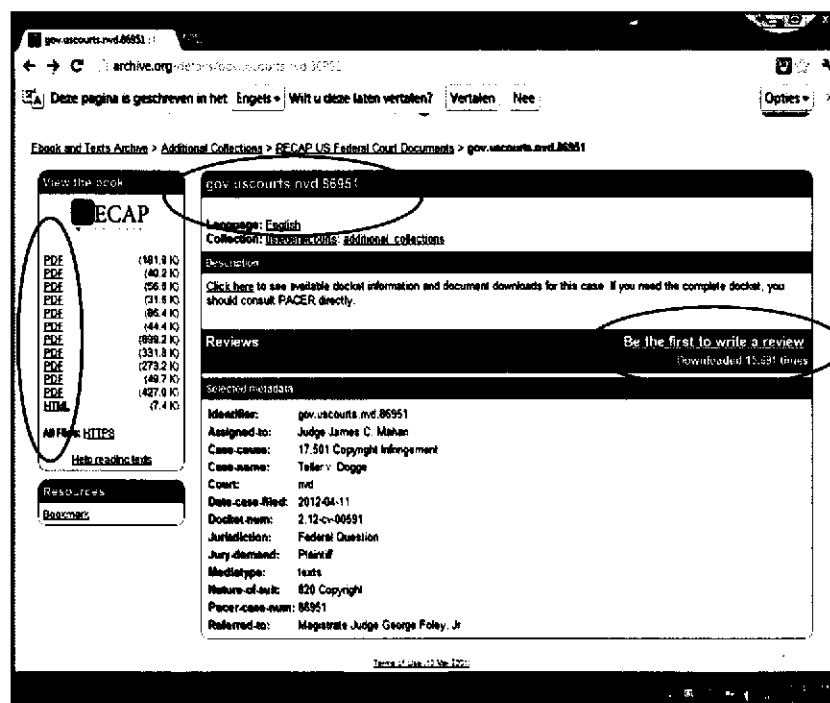
Exh. 1 Just one of the many forums: The Magic cafe.



On date of sept 19 : 705.444.671.

On date of juni 6.2012 669.114.187.

So on +/- 3.5 moths = +/- 36.500.000 hits



Downloaded courtdocs = +/- 16.000

Exh. 2 . Downloaded on 09.19.2012

Justia.com Dockets & Filings BETA

Justia > Dockets & Filings > Nevada > District Court > Copyright > Teller v. Dogge > Filing 1 > Attachment 2

Teller v. Dogge

Filing: 1 Attachment: 3

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COMPLAINT against Gerard Dogge (Filing fee \$ 350 receipt number 0978-2334374), filed by Teller. Certificate of Interested Parties due by 4/21/2012. Proof of service due by 8/9/2012. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Civil Cover Sheet, # 6 Summons) (Tratos, Mark) Corrected image 5 filed on 4/25/2012 (SRK).

Live now: Cults performing at the SXSW festival in Austin.

YouTube

The Rose & her Shadow in Close up ! - Gerard Bakardy

Gerard Bakardy Subscribe 6 videos

Case:

State:

Court:

Judge:

Type:

Filing:

Attachment:

Filed:

Retrieved:

117,618 per

Facebook

9:35 PM
9/19/2012

Exh. 3 Email from Bakardy to Teller on April 23th.

■ gerard bakardy
Aan Teller Penn & Teller

 Beantwoorden ▼

Dear Mr. Teller,

On April 17th I've sent you my careful thoughts without prejudice and asked you to explain what you mean by publishing my picture (exhibit 3 page 2 and 4) right under the toolbar from website links that I do not visit. When the whole world can see my name in the same picture with 'mantube', Corbin, CF Select, 2 Long,

I'm still waiting and hoping to hear some respect and good faith in your answer.

Regards,

Gerard

Exh. 4 Email from Teller to Bakardy – In answer to Bakardys Email.

J Teller Penn & Teller

Aan gerard bakardy

24/04/2012

Beantwoorden ▾

Dear Gerard,

There is no injury to you and no actionable bases for objecting to documents filed with the United States Federal Court.

The screen shot was not made by you. It cannot be reasonably inferred that the sites you allude to are sites associated with you.

With all due respect, Gerard, you seem to be groping desperately for some shred of defense to your infringement and threat of future infringement.

If you have realistic, good-faith proposals to offer for settling this matter out of court, please make them.

Otherwise, please stop wasting my time.

Respectfully,

TELLER

Exhibit 5 Teller's interview in the Esquire Sept 17th, 2012. Teller sees the court case as publicity.

← ↻ 📄 www.esquire.com/features/teller-honor-system- 🔍 ☆

Deze pagina is gesch... Engels ▾ Vertalen Nee Opties ▾ ✕

On April 11 of this year — that date is precisely known — Teller did something it seems no magician has done in decades: He became the plaintiff in a lawsuit in United States District Court to protect one of his magic tricks against theft. The defendant is Gerard Bakardy. "This is an action for copyright infringement and unfair competition under federal statutes," the Nature of Action reads. "Plaintiff seeks damages, attorneys' fees, and costs."

When Teller filed his lawsuit, it made news: **ROGUE MAGICIAN IS EXPOSING OUR SECRETS!!!** read the TMZ headline. Teller did not like the coverage. The publicity might have sold more tickets to the show but it misunderstood his purpose. Most of the stories suggested that he was suing Bakardy to protect the secret of his trick, the method. "The method doesn't matter," Teller says. He has performed Shadows over the years with three different methods, seeking perfection. The first involved a web of fishing line that took a painfully long time to set up; the second version required rigid, uncomfortable choreography; the third, today's version, he has never revealed. Bakardy, who said that he had seen Penn & Teller's show, almost certainly didn't use Teller's present method. He knew only the idea and the effect it had on the audience. He felt the crackle that runs through the otherwise silent theater when Teller wields his knife; he saw that some people start to cry, little soft sobs in the dark; he heard that some people make strange noises and other people try to make noises and fail. What Bakardy stole from Teller wasn't a secret. Bakardy stole something that everybody who has ever seen Shadows already knows.

"It's a particularly great trick," Steinmeyer says. "It's beautiful and elegant. It needs no stupid patter. It needs no stupid presentation. Every one of its little surprises makes perfect sense. It has some feeling that it's bigger; it hints at things that are bigger and more interesting than the trick itself. It's three minutes long, and it's just perfect."

"It's so beautiful, I have tears in my eyes when he's finished, I really do," says the Amazing Randi. "The hush in the audience, my God, nobody breathes. I swear they're turning blue. You hardly blink. That's what

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